

Office of Attorney General Terry Goddard



STATE OF ARIZONA
DEPARTMENT OF LAW
1275 W. WASHINGTON STREET
PHOENIX, ARIZONA 85007-2926
WWW.AZAG.GOV

ANDREA M. ESQUER
PRESS SECRETARY
PHONE: (602) 542-8019
CELL PHONE: (602) 725-2200

FOR IMMEDIATE RELEASE

Terry Goddard Joins Lawsuits to Force EPA to Act on Air Quality Request

(Phoenix, Ariz. – Nov. 8, 2007) Attorney General Terry Goddard today joined 12 other state Attorneys General in two legal actions to require the U.S. Environmental Protection Agency (EPA) to take action on California's request for approval to regulate greenhouse gas pollution from automobiles sold in the state. California requested this authority in 2005. The EPA has yet to act on the request.

"The EPA's failure to grant California's waiver request is unconscionable," Goddard said. "The U.S. Supreme Court this year confirmed that states have legitimate interests in protecting the health and well-being of their citizens from the effects caused by greenhouse gas emissions."

The federal Clean Air Act gives California the unique authority to set its own more stringent regulations for new cars. The law also allows other states, like Arizona, to adopt California's regulations rather than those set by the federal government. However, the Clean Air Act requires the EPA to provide a waiver before the state regulations can be implemented.

California adopted its "Regulation to Control Greenhouse Gas Emissions from Motor Vehicles" on Aug. 4, 2005. This regulation requires reductions in fleet-average, greenhouse-gas emissions for most new passenger motor vehicles sold in California, beginning with the 2009 model year.

On Dec. 21, 2005, California requested a waiver from EPA to implement these new regulations. Almost two years later, the EPA has yet to act on the request.

California has filed two court actions against the EPA, arguing that the federal agency "unlawfully withheld and unreasonably delayed" action on its waiver request. The lawsuits filed in the U.S. District for the District of Columbia and the U.S. Court of Appeals for the District of Columbia Circuit are seeking court orders requiring the EPA to take action on the waiver petition by Dec. 31, 2007.

Since California adopted its greenhouse-gas regulations for cars, 14 states have either adopted the California regulation or are in the process of adopting it: Arizona, Connecticut, Florida, Maine, Maryland, Massachusetts, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont and Washington. Gov. Napolitano issued an order for Arizona to adopt the California regulation as part of the state's efforts to address climate change.

While the scientific support for global warming is overwhelming, and its environmental and economic threat is well-established, the Bush Administration has resisted regulatory approaches to controlling greenhouse gases. In April, the U.S. Supreme Court issued a landmark ruling against the Administration, declaring that the EPA had the authority under the Clean Air Act to regulate greenhouse gases, such as carbon dioxide, as air pollutants. This decision paved the way for states, like California and Arizona, to adopt regulations to control emissions from automobiles sold in their states.

###